

ART. II.—EXECUTIVE DEPARTMENT.

By the *first section* of this article the term of office of the Governor is enlarged from three to four years. By this change, the expiration of it is made to coincide with that of every second term of the Delegates, they being elected biennially, in which respect there is a similarity between the Constitution of this State and that of the United States.

By the *fourth section* it is provided, that when two or more persons have the highest and an equal number of votes for Governor, the second vote shall be confined to those persons, and if the votes be again equal, the election is to be determined by lot. The great use of such a provision, in some cases, will readily be perceived by those who have studied the history of the elections of Speakers, Presidents and other officers, both in the National and State Legislatures. It would have been well if this principle had been extended to other officers than the Governor. It can be demonstrated, with almost mathematical certainty, that the only plan which is both just and certain in its operation, for the election of a person to any office, where there are several candidates, is continually to drop the lowest one, after the first ballot, and if at last there be a tie, to decide by lot.

The *ninth section* prohibits the Governor from taking the command in person of the forces of the State, without the consent of the Legislature. It is to be hoped that there may never be occasion for his asking or their giving such consent.

The *seventeenth section* imposes upon the Governor the new duty of examining the books of the Treasurer, which is designed to be an additional check upon that Department of Government.

The *nineteenth section* imposes restrictions upon the pardoning power, which are well calculated to restrain the exercise of it within proper bounds.

Besides these changes, affecting the Governor's prerogative, there is another, which is the most *important* of them all. He has been stripped of the power of judging of the suitability of candidates for all the principal offices in the State, and of appointing them, by and with the advice and consent of the Senate, and is now clothed with such powers only as properly appertain to the chief Executive authority in a State. It is to be presumed that several causes operated together to produce this change, viz. with some persons, a conviction that the Legislative, Executive and Judicial powers of the government were not separate and distinct from each other, under the old mode of appointing Judges, &c.—although the Declaration of Rights expressly declares that they ought to be;—with others, an opinion that the people at large can judge of the qualifications of candidates for all offices as well as the Governor can, and with a third class of persons, a disposition to restrain the appointing power of the Governor, or the Executive patronage, as it is called, in order to prevent what was thought to be its injurious influence upon popular elections, and its growing tendency to abuse.

ART. III.—LEGISLATIVE DEPARTMENT.

The changes which have been made in this Article are numerous and important.

By the *second section* of it the term of office of Senators is reduced from six to four years, and by a subsequent section it is provided, that one-half of them,